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July 16, 2013

BY FAX

The Honorable Victor Marrero
United States District Judge
United States Courthouse
Courtroom 11B
500 Pearl Street
New York, NY 10007-1312

Re: *Birmingham Retirement and Relief System v. S.A.C. Capital Advisors, LLC*
No. 13-cv-02459-VM
David E. Kaplan v. S.A.C. Capital Advisors, L.P., No. 12-cv-9350-VM
(Consolidated Case)

Dear Judge Marrero:

Pursuant to Paragraph II.A of Your Honor's Individual Practices, City of Birmingham Retirement and Relief System ("Birmingham"), lead plaintiff in the *Birmingham* action, writes to request a pre-motion conference in advance of its anticipated Motion for Joinder in the Kaplan Plaintiffs' Motion for Relief from PSLRA Discovery Stay.

As the Court is aware, the consolidated *Kaplan* action asserts insider trading claims on behalf of two classes of investors, who invested in Wyeth and Elan securities respectively. Birmingham is the lead plaintiff representing the Wyeth class with respect to the insider selling claims.¹ On June 24, 2013, the Kaplan Plaintiffs filed a Motion for Relief from the PSLRA Discovery Stay seeking certain of Defendants' trading records with respect to Elan securities to aid them in connection with their insider buying claims.² See *Kaplan* Docket, No. 73. Birmingham has filed an amended complaint asserting similar insider buying claims with respect to Wyeth

¹ On July 15, 2013, Birmingham filed an amended complaint asserting insider buying claims for the period from July 1, 2006 to July 18, 2008. Pursuant to the PSLRA, Birmingham has issued notice with respect to these claims.

² Your Honor has directed the Kaplan Plaintiffs to address Magistrate Judge Kevin Nathaniel Fox regarding this matter, as well as for supervision of the remaining pretrial proceedings alongside Defendants, by Endorsed Letter dated June 18, 2013. See *Kaplan* Docket, No. 68.

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Hon. Victor Marrero
July 16, 2013
Page 2



securities and, in its anticipated motion, would join the Kaplan Plaintiffs' motion and seek the same trading records with respect to Wyeth securities.

The basis for Birmingham's motion is set forth in the *Kaplan* Plaintiffs' moving papers.
See e.g. *Kaplan* Docket, Nos. 74 and 75 and exhibits annexed thereto.

We are available at the convenience of the Court, and thank the Court for its consideration of this application.

Respectfully submitted,
SCOTT+SCOTT,
ATTORNEYS AT LAW, LLP

A handwritten signature in black ink, appearing to read "Joseph P. Guglielmo".

Joseph P. Guglielmo

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by

~~Albright Birmingham Retirement
Pension System~~

SO ORDERED.

7-16-13

DATE

A handwritten signature in black ink, appearing to read "VICTOR MARRERO, U.S.D.J.".

Cc: All Counsel

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